

**REMARKS**

Claims 16-25 are pending in this application.

**I. The Claims Are Patentable Over The Applied References**

The Office Action (1) rejects claims 16, 18-21, 23 and 25 under 35 U.S.C. §103(a) over U.S. Patent No. 5,933,581 to Miyazaki et al. (Miyazaki) in view of U.S. Patent No. 6,100,995 to Itoh and U.S. Patent No. 5,881,335 to Yang; and (2) rejects claims 17, 22 and 24 under 35 U.S.C. §103(a) over Miyazaki in view of Itoh and Yang, and further in view of U.S. Patent No. 6,742,130 to Kawase. Applicants respectfully traverse the rejections.

Regarding independent claim 16, the applied references fail to disclose (1) "a communication interface that includes the receiver, and configured to control a speed for receiving the data during the period of transition"; and (2) "wherein the receiver receives the data during the period of transition" (emphasis added).

Miyazaki discloses a facsimile apparatus 1000 having a main unit 1000a and a recording unit 1000b (Fig. 18; col. 8, lines 44-50). The facsimile apparatus 1000 has an energy saving stand-by (ESS) mode (col. 9, lines 46-55). The Office Action cites (i) to recording unit 1000b as allegedly corresponding to the claimed image forming apparatus; (ii) to the normal operation mode and low power consumption mode (col. 6, lines 23-25) as allegedly corresponding to the claimed normal mode and power save mode; (iii) to main unit 1000a as allegedly corresponding to the claimed external device; (iv) to print buffer 1116 as allegedly corresponding to the claimed image forming portion; and (v) to I/F unit 1113 as allegedly corresponding to the claimed receiver.

Miyazaki does not disclose that I/F unit 1113 is able to receive data during the transition period of transitioning from the energy saving stand-by (ESS) mode to normal operation. In the ESS mode, the recording unit 1000b is completely shut off (col. 9, lines 46-55). In this case, Miyazaki discloses that receiving unit 1000b is in "power-off" mode (*id.*).

Thus, during the ESS mode, power is also shut off to I/F unit 1113.

The Office Action acknowledges that Miyazaki fails to disclose the claimed communication interface that (1) includes the claimed receiver; and (2) is configured to control a speed of receiving, but cites to Itoh for these features.

Itoh discloses a PC 1 coupled to a multi-function device (MFD) 2 (Fig. 1; col. 3, lines 25-29) that contains interface (I/F) 36 (Fig. 1). The MFD 2 includes a printer (Abstract). The Office Action cites to Itoh I/F 36 as allegedly disclosing the claimed communication interface having the claimed receiver; and cites to col. 6, lines 9-23 as allegedly disclosing that the I/F 36 is configured to control the speed of transmission during the period of transition.

However, Itoh merely discloses that the reception speed of control means 31b controls the reception speed of data received from the PC 1 to be lower "if the capacity remainder of the RAM 33 reduces below a predetermined level [*e.g.*, 10K bytes] while the MFD 2 operates in the facsimile transmission or reception mode" (emphasis and comment added; col. 6, lines 19-25). That is, Itoh merely discloses reducing the rate of reception of data during normal operation if the available storage capacity falls below a threshold in order to prevent data loss from overrunning the available storage.

The Office Action acknowledges that Miyazaki in view of Itoh fails to disclose a receiver that receives the data during the period of transition, but cites to Yang for this feature.

Yang discloses a power saving method. The Office Action cites to Yang controller 120 as allegedly corresponding to the claimed controller and alleges that the controller 120 receives data during a transition from power save mode to processing routine, citing Fig. 4 and col. 6, lines 10-31.

However, the Office Action is not correct. Yang discloses that in operation once the laser printer is turned on, it warms up to the print-waiting temperature and is maintained in

the print-waiting state (Fig. 4, step 301; col. 5, lines 29-33). The controller 120 periodically checks whether print data or command data have been received (Fig. 4, step 303; col. 5, lines 35-38). If print or command data have been received, the controller 120 checks whether the printer is in power saving mode (Fig. 4, step 307; col. 5, lines 38-42). If the printer is in the power saving mode, the controller 120 controls the printer to enter the processing routine (Fig. 4, step 327; col. 5, lines 42-44). That is, Yang discloses that data can be received while the printer is in the power saving mode and, if so, the printer transitions to normal operation after the data has been received.

In view of the forgoing, even if the applied references are combined as proposed by the Office Action, the proposed combination fails to disclose features (1)-(2) quoted above of a communication interface that controls the speed for receiving the data during the period of transition, and a receiver that receives the data during the transition period because Itoh does not disclose a communication interface configured to control a speed for receiving data during the period of transition or a receiver that receives data during the period of transition, as claimed.

Further, if the proposed combination would have been made, the proposed combination would be the facsimile apparatus 1000 of Miyazaki in which the speed of reception of data by the I/F unit 1113 of the recording unit 1000b could be reduced during normal operation (facsimile transmission or reception, as taught by Itoh) to avoid data loss and in which the recording unit 1000b would have a power saving mode as taught by Yang, the recording unit 1000b being able to periodically check, while in the power saving mode, if the I/F unit 1113 has received data, and if so, the receiving unit 1000b transitions to normal operation. Nothing in the references, taken as a whole, suggests that the proposed combination would be able to receive data during a period of transition. Still further, even if

the proposed combination could receive data during a period of transition, the references do not disclose changing the speed of data reception during a period of transition.

For the foregoing reasons, Applicants request withdrawal of the rejections.

## II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Jonathan H. Backenstose  
Registration No. 47,399

JAO:JHB

Date: October 21, 2008

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 320850**  
**Alexandria, Virginia 22320-4850**  
**Telephone: (703) 836-6400**

DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461
--------------------------------------------------------------------------------------------------------------------------------------------------------